

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALICIA SERRA,)	
)	
Plaintiff,)	CIVIL ACTION NO.:
)	_____
)	
v.)	
)	
)	JURY TRIAL DEMANDED
TRUST AMBULANCE, INC.,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, Alicia Serra, a resident of Dauphin County, Pennsylvania, by and through her attorneys, McCarthy Weisberg Cummings, P.C., brings this civil action for damages against the above named Defendant, Trust Ambulance, Inc., demands a trial by jury, and complains and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction of the claims set forth in this Complaint is proper in this judicial district pursuant to 28 U.S.C. §1331.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to these claims occurred in this judicial district.

THE PARTIES

3. Plaintiff, Alicia Serra (“Ms. Serra”), is an adult individual residing in Dauphin County, Pennsylvania.

4. Defendant Trust Ambulance, Inc. (“Trust Ambulance”) is a Pennsylvania corporation, with a registered address and principal place of business located at 1131 Primrose Avenue, Camp Hill, Cumberland County, Pennsylvania 17011.

5. Trust Ambulance is a licensed basic life support ambulance service specializing in non-emergency and emergency transports, and operates in the central Pennsylvania area.

6. At all times relevant to this Complaint, Trust Ambulance employed in excess of fifteen (15) individuals.

ADMINISTRATIVE PROCEEDINGS

7. On or about November 15, 2016, Ms. Serra filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), which was docketed as EEOC Charge No. 530-2017-00624, alleging sexual harassment, retaliation and constructive discharge from her employment with Trust Ambulance.

8. Ms. Serra has been advised of her individual right to bring a civil action by receiving a Notice of Right to Sue (Issued on Request) from the EEOC, dated April 17, 2017.

9. Ms. Serra has exhausted the administrative remedies available to her, and all necessary and appropriate administrative prerequisites to the filing of this Complaint have occurred and been satisfied.

STATEMENT OF FACTS

10. Ms. Serra was hired by Trust Ambulance in or about October 2015 to work as a Medical Coder and Biller.

11. From October 2015 until April 2016, Ms. Serra's employment was negatively affected by a sexually hostile work environment, which included severe and pervasive sexual harassment from one of the company's managers, Joshua "Moses" Weyer.

12. In the first month of Ms. Serra's employment, Ms. Serra engaged in a brief consensual relationship with Mr. Weyer after Mr. Weyer made unsolicited advances towards her.

13. In or about November 2015, Ms. Serra advised Mr. Weyer that Ms. Serra was not interested in continuing that relationship.

14. After Ms. Serra broke off her relationship with Mr. Weyer, Mr. Weyer then took it upon himself to sexually harass Ms. Serra in person and

via Snapchat, with the harassment including both inappropriate comments and inappropriate touching.

15. Mr. Weyer also attempted to retaliate against Ms. Serra by telling her direct supervisor, Victoria Summers-Basner, to write Ms. Serra up without cause.

16. Ms. Summers-Basner informed Ms. Serra that she and other women were also harassed by Mr. Weyer before Ms. Serra began working at Trust Ambulance.

17. After Ms. Serra reported this unwelcome behavior to another manager in or about March 2016, no action was taken to curtail Mr. Weyer's hostile and harassing behavior towards her.

18. As a result of the continuing hostile work environment, Ms. Serra was compelled to resign her position in April 2016.

COUNT I
SEXUAL DISCRIMINATION AND HARASSMENT

19. The averments of Paragraphs 1 through 18 above are incorporated by reference as though fully set forth herein.

20. Trust Ambulance created, permitted, tolerated, encouraged and fostered a sexually hostile, intimidating, demeaning, degrading and demoralizing environment at its facility where Ms. Serra worked, which

hostile environment was ongoing and pervasive throughout Ms. Serra's employment.

21. The acts of Trust Ambulance, and its officers, agents and employees manifesting and permitting this hostile environment, insofar as they are known to Ms. Serra, included allowing Mr. Weyer to sexually harass her, and continuing to allow this situation to occur despite Ms. Serra's complaints and reports.

22. The sexually hostile environment was specifically known to Trust Ambulance's management, which took no meaningful or effective action to remediate the offending behavior or to remove the offending environment.

23. As a consequence of the hostile environment supported and encouraged by Trust Ambulance's actions and failures to act, Ms. Serra was subjected to emotional distress, humiliation, ridicule and a negative effect on her work product and ability to fully and effectively perform her job duties and responsibilities, all of which manifested itself in mental and physical distress, injury and damage.

24. As a result of the sexually hostile environment, Ms. Serra has suffered emotional distress, physical injury, a loss of self-respect and

confidence, and has been subjected to great damage to her career and professional standing.

25. The actions of Trust Ambulance set forth above constitute violations of Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq. (as amended) and the Civil Rights Act of 1991.

WHEREFORE, Plaintiff, Alicia Serra respectfully requests this Honorable Court to enter judgment in her favor and against Defendant, Trust Ambulance, Inc., together with compensatory damages, punitive damages, reasonable attorneys' fees and costs, and any such other relief as this Honorable Court deems just and appropriate, which total amount exceeds the jurisdictional limits for mandatory arbitration referral.

COUNT II **RETALIATION**

26. Paragraphs 1 through 25 above are incorporated herein by reference as if more fully set forth at length.

27. Subsequent to reporting the sexual discrimination and harassment, Trust Ambulance retaliated against Ms. Serra and constructively terminated her employment in violation of Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq. (as amended) and the Civil Rights Act of 1991.

28. As a consequence of Trust Ambulance's wanton and willful acts of retaliation, Ms. Serra was subjected to emotional distress, humiliation, ridicule and a negative effect on her work product and ability to fully and effectively perform her job duties and responsibilities, all of which manifested itself in mental and physical distress, injury and damage.

29. As a result of Trust Ambulance's retaliation, Ms. Serra has suffered economic loss, including loss of earnings, emotional distress, physical injury, a loss of self-respect and confidence, and has been subjected to great damage to her career and professional standing.

30. The actions of Trust Ambulance set forth above constitute violations of Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq. (as amended) and the Civil Rights Act of 1991.

WHEREFORE, Plaintiff, Alicia Serra respectfully requests this Honorable Court to enter judgment in her favor and against Defendant, Trust Ambulance, Inc., together with compensatory damages, punitive damages, reasonable attorneys' fees and costs, and any such other relief as this Honorable Court deems just and appropriate, which total amount exceeds the jurisdictional limits for mandatory arbitration referral.

Respectfully submitted,

McCarthy Weisberg Cummings, P.C.

May 9, 2017

Date

/s/ Larry A. Weisberg

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